

REMARKS

In the Official Action of January 19, 2006, restriction was required as between claims 1 and 3-18, drawn to spinal stabilizers, and claims 2 and 19-27, drawn to methods of cushioning and/or stabilizing the spine. The Action also identified several patentably distinct species as shown in each of Figures 1, 2, 3, 4, 5, 6-7, and 8 and required election of a single disclosed species for prosecution on the merits if no generic claim is held allowable. In response to this restriction requirement, Applicant elects the claim(s) in Group II, claims 2 and 19-27, directed to methods of cushioning and/or stabilizing the spine, and the specie shown in Figure 1, on which all of the elected claims 2 and 19-27 read, and makes both elections with traverse.

In traversing this restriction requirement, Applicant does not take issue with, and instead expressly affirms, the finding that the groups of claims and the disclosed species are distinct. The traversal of the restriction requirement is instead based on the absence of any allegation or showing in the Action of a serious burden that would be imposed if all the claims and species are examined in a single application. MPEP §803 (see item (2) under the heading "Criteria for Restriction Between Patentably Distinct Inventions"). In the absence of such a showing, no *prima facie* showing of justification for restriction between Groups I and II and the disclosed species has been established, and the lack of that showing is the basis for Applicant's traversal of this restriction requirement.

Entry of the above elections, consideration of the remarks set out herein, allowance of the claims, and passage of the application to issuance are all respectfully requested. In the unforeseen event that there are questions and/or issues yet to be answered in this application, it is respectfully requested that Applicant's Attorney be contacted at the address and phone number set out below.

Respectfully submitted,

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